

INITIAL RECOMMENDATIONS

OCTOBER 2009 APPLICATIONS TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN

FOR MIAMI-DADE COUNTY, FLORIDA



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RECOMMENDATIONS

OCTOBER 2009 APPLICATIONS TO AMEND THE
COMPREHENSIVE DEVELOPMENT MASTER PLAN

February 25, 2010

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INTRODUCTION

This report contains the initial recommendations by the Department of Planning and Zoning (DP&Z) addressing applications to amend the Comprehensive Development Master Plan (CDMP), which were filed for consideration during the October 2009 Plan Amendment Review Cycle. A total of 12 applications were filed during this amendment cycle, eight (Application Nos. 1, 2, 3, 6, 7, 8, 9 and 10), by private parties and four (Application Nos. 4, 5, 11 and 12), by DP&Z. Application No. 10 was legally withdrawn by the applicant by letter dated March 5, 2010. The report also contains the necessary background information and analyses on which the initial recommendations are based.

Application Review Process and Schedule of Activities

Following is a summary of the Plan review, amendment activities and schedule that will be followed by this cycle to comply with the CDMP procedural requirements contained in Section 2-116.1, Code of Miami-Dade County and State law. The Schedule of Activities on page v lists the principal activities that will occur under this process and indicates the timeframes for those activities in accordance with the State requirements and the County Code. For this amendment cycle, the application filing period extended from October 1st through November 2, 2009.

The CDMP amendment process involves two phases. The first phase occurs between the time applications are filed and the time the Board of County Commissioners (Board) conducts its first hearing and takes action to transmit standard applications to the Florida Department of Community Affairs (DCA) and other associated State agencies for possible review and comment, and/or adopt eligible small-scale Land Use Plan (LUP) map amendments on an expedited schedule. During the first phase, affected and neighboring property owners are notified of the nearby LUP map amendment requests. Section 2-116.1 authorizes Community Councils to conduct public hearings and issue recommendations on applications that directly affect their areas. These hearings must be held before the Planning Advisory Board (PAB), acting as the County's "Local Planning Agency", and the Board.

The DP&Z will submit its initial recommendations to the PAB regarding each requested change, no later than February 25, 2010. Each Community Council in which a proposed amendment to the LUP map is located is scheduled to hold a public hearing to discuss the LUP map application(s) and may formulate recommendation(s) regarding the request(s) in March 2010. The PAB is scheduled to hold a public hearing on April 5, 2010 to receive comments and recommendations on the proposed amendments, and to formulate recommendations to the Board regarding adoption of the eligible small-scale amendments and transmittal to DCA. The Board is currently scheduled to hold a public hearing on May 5, 2010 taking final action on the eligible small-scale amendments, and to consider transmittal of the other requested amendments to DCA. "Transmittal" of a proposed amendment to the State for initial review does not constitute adoption of requested amendments.

The second phase of the review, addressing the standard applications, begins after transmittal of the applications to the DCA and associated State agencies. The CDMP amendment procedures in Section 2-116.1 of the County Code provide that the DCA will be requested by the County to review and comment on all transmitted amendment proposals. The DCA is expected to return comments addressing all transmitted amendment proposals in August 2010,

approximately within 75 days of the transmittal date. The PAB will then conduct its final public hearing(s) within 30 days after receiving comments from the DCA. No later than 60 days after receiving comments from the DCA, the Board could conduct a public hearing and take final action on the applications. During the DCA review period, the DP&Z will also review comments received at the transmittal hearings and any additional submitted material and may issue a "Revised Recommendations" report reflecting any new information prior to the final public hearings. Final action by the Board will be to adopt, adopt with change, or not adopt each of the transmitted applications.

Outside this regular CDMP amendment process, requests to amend the CDMP can be made by the Board under a special amendment process, or by a party having an application undergoing the Development of Regional Impact (DRI) process requesting a concurrent amendment to the CDMP. Procedures for processing such special or DRI-related amendments are established in Section 2-116.1 of the Miami-Dade County Code.

Additional Information

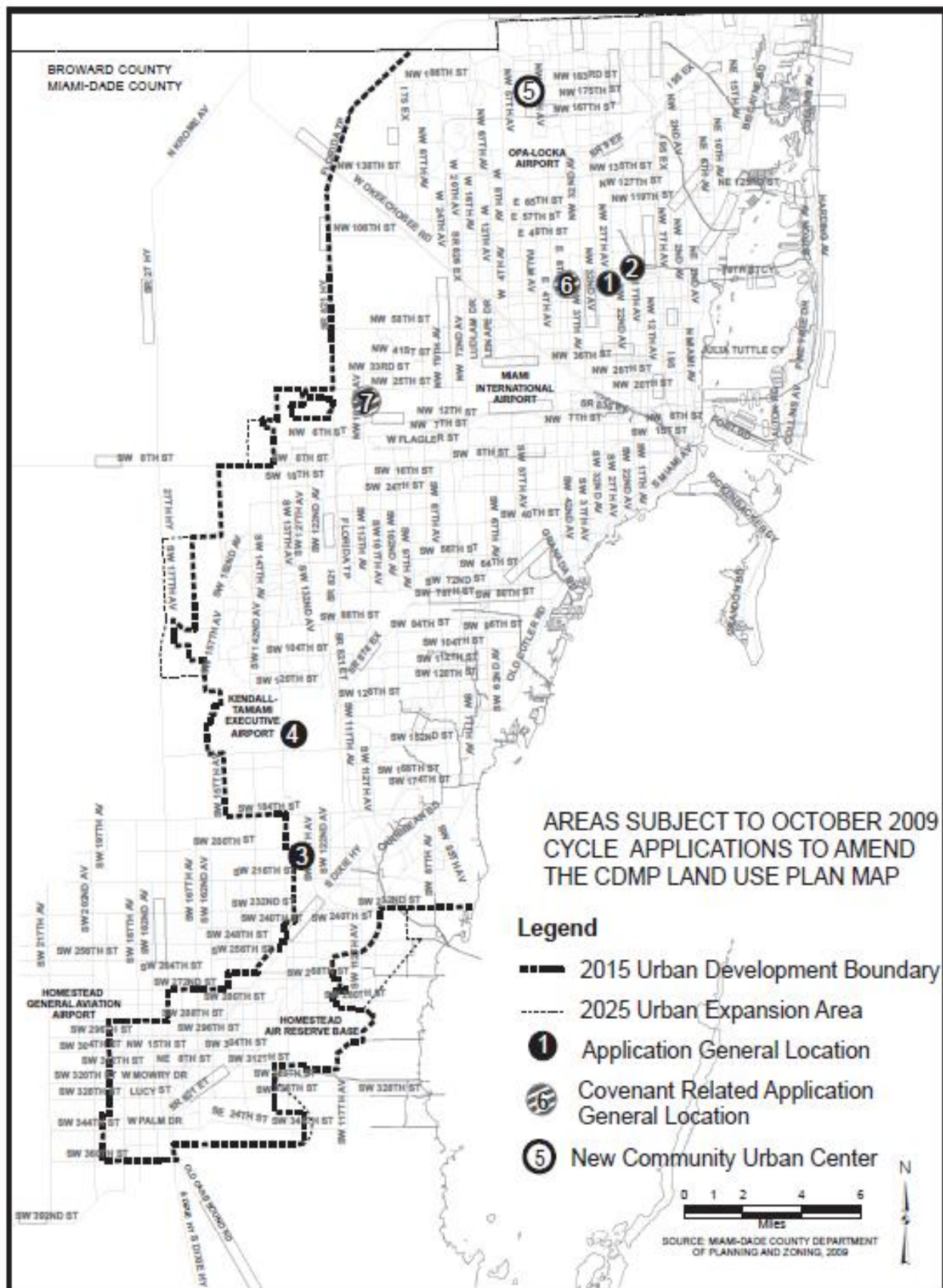
Anyone having questions regarding any aspect of the CDMP review and amendment process should visit or call the Metropolitan Planning Section of the Miami-Dade County Department of Planning and Zoning at 111 NW 1st Street, Suite 1220; Miami, Florida 33128-1972; telephone 305/375-2835.

TABLE 1
SCHEDULE OF ACTIVITIES
OCTOBER 2009-2010 CDMP AMENDMENT CYCLE

Pre-application Conference for the Private Sector	September 1- September 30, 2009
Application Filing Period	October 1- November 2, 2009
Deadline to withdraw Application and obtain Return of Full Fee. Notify applicant of deficiencies.	November 9, 2009
Deadline for Resubmittal of Unclear or Incomplete Applications	Seventh business day after Notice of Deficiency
Applications Report Published by DP&Z	December 5, 2009
Deadline for submitting Technical Reports	December 29, 2009
Deadline for submitting Declarations of Restrictions to be considered in the Initial Recommendations Report	January 28, 2010
Initial Recommendations Report released by DP&Z	February 25, 2010
Community Council(s) Public Hearing(s)	
Westchester Community Council (CC-10) West Dade Regional Library, 9445 Coral Way, FL 33165 <i>Application No. 7</i>	March 18, 2009; 7:00 pm
North Central Community Council (CC-8) MLK Building; 2525 NW 62 Street; 2 nd Floor, FL 33147 <i>Application Nos. 1, 2, and 6</i>	March 23, 2010; 7:00 pm
Redland Community Council (14) South Dade Gov't Center, 10710 SW 211th St, FL 33189 <i>Application Nos. 3 and 4</i>	March 25, 2010; 7:00 pm
Planning Advisory Board (PAB), acting as Local Planning Agency (LPA), Public Hearing to formulate Recommendations regarding Adoption of Small-Scale Amendments and Transmittal of Standard Amendment requests to DCA	April 5, 2010* County Commission Chamber 111 NW 1st Street Miami, Florida 33128
Board Hearing and Action on Adoption of Small-Scale Amendments and Transmittal of Standard Amendment requests to DCA	May 5, 2010* County Commission Chamber 111 NW 1 Street Miami, Florida 33128
Transmittal to DCA for State review	May, 2010**
Deadline for Filing Supplementary Reports by the Public	Forty-five (45) days after Commission transmittal hearing
Receipt of DCA Objections, Recommendations and Comments (ORC) report	August, 2010** (Approximately 75 days after transmittal)
Public Hearing and Final Recommendations: Planning Advisory Board (Local Planning Agency)	September 20, 2010* (Within 30 days after receipt of DCA ORC report)
Public Hearing and Final Action on Applications: Board	October 6, 2010* (No later than 60 days after receipt of DCA ORC report)

Note: * Date is subject to change. All hearings will be noticed by newspaper advertisement.

 ** Estimated Date



Summary of Initial Recommendations
October 2009 Applications to Amend the Comprehensive Development Master Plan for Miami-Dade County, Florida
February 25, 2010

Application Number/ Type	Location/Acreage/ Requested Amendment	BCC District/ Commissioner	DP&Z Initial Recommendation February 25, 2010	Community Council Recommendation, Resolution # and Date	Local Planning Agency Recommendation April 5, 2010	BCC Recommendation May 5, 2010
1/ Small-Scale	Ellen Gardner 79 th St LLC/Michael Gil, Esq., Michael Larkin, Esq., Bercow, Radell & Fernandez, PA. Area between NW 79 Street and NW 79 Terrace and between NW 21 and NW 22 Avenues From: Low Density Residential (2.5 to 6 dwelling units per gross acres (du/ac); 0.37 gross acres) and Business and Office (1.26 gross acres) To: Business and Office	2/ Rolle	Adopt			
2/ Small-Scale	Tradewinds Associates, Ltd/Jeffrey Bercow, Esq., Michael J. Marrero, Esq., Bercow, Radell & Fernandez, P.A. Southwest corner of NW 19 Avenue and NW 81 Street From: Low Density Residential (2.5 to 6 du/ac) To: Medium Density Residential (13 to 25 du/ac)	2/ Rolle	Adopt With Change to Low-Medium Density Residential			
3/ Small-Scale	Apostolic Alliance Church of the Lord Jesus Christ, Inc./Felix Lasarte, Esq., The Felix Lasarte Law Firm, LLP. Southwest corner of SW 127 Avenue and SW 200 Street From: Low Density Residential (2.5 to 6 du/ac) To: Business and Office	8/ Sorenson	Adopt			

Application Number/ Type	Location/Acreage/ Requested Amendment	BCC District/ Commissioner	DP&Z Initial Recommendation February 25, 2010	Community Council Recommendation, Resolution # and Date	Local Planning Agency Recommendation April 5, 2010	BCC Recommendation May 5, 2010
4/ Standard	Miami-Dade County General Services Administration/Wendy Norris, Director Southwest corner of SW 117 Avenue and SW 152 Street From: Institutions, Utilities, and Communications and Low Medium Density Residential To: Miami Metrozoo Entertainment Area II for Parts A, B, & D; and Environmentally Protected Parks for Part C	8/ Moss	Adopt With Change and Transmit			
5/ Standard	Department of Planning and Zoning/ Marc LaFerrier, AICP, Director Amend the Adopted 2015 and 2025 Land Use Plan to include a new Community Urban Center in the area generally bounded by NW 57 Avenue on the east, the Moors residential development on the west, NW 167 Street on the south and NW 183 Street on the north	13/ Seijas	Adopt and Transmit			
6/ Standard	Imperial Management, LLC/Jeffrey Bercow, Esq. & Michael J. Marrero, Esq., Bercow, Radell & Fernandez PA Location: Southwest corner of NW 32 Avenue and NW 79 Street Release/delete Previously Proffered and Accepted Declaration of Restrictions for Application No. 7 of the October 2005 Cycle CDMP Amendments as indicated on Page I-74.2 of the CDMP; and perhaps, proffer a new Declaration of Restrictions for consideration by the Board of County Commissioners	2/ Rolle	Adopt with Acceptance of Proffered Covenant and Transmit			

Application Number/ Type	Location/Acreage/ Requested Amendment	BCC District/ Commissioner	DP&Z Initial Recommendation February 25, 2010	Community Council Recommendation, Resolution # and Date	Local Planning Agency Recommendation April 5, 2010	BCC Recommendation May 5, 2010
7 Standard	107 th Avenue Gamma, LLC/Jeffrey Bercow, Esq. & Michael Gil, Esq. Bercow, Radell & Fernandez PA. Location: Northwest corner of NW 107 Avenue and NW 12 Street Delete and Replace Previously Proffered and Accepted Declaration of Restrictions for Application No. 3 of the April 2007 CDMP Amendment Cycle as indicated in the Restrictions Table on Page I-74.5 of the CDMP	12/ Diaz	Deny and Do Not Transmit	NA		
8	CEMEX Const. Materials Florida, LLC/Kerri L. Barsh, Esq. Greenberg Traurig Revise the Agriculture land use category text on page I-59 of the CDMP to include the expansion of bona fide quarrying as defined by Ordinance and ancillary uses onto property adjacent to existing quarrying operations	Countywide	Deny and Do Not Transmit	NA		
9	Vecellio & Grogan, Inc. d/b/a White Rock Quarries/Ms. Kerri L. Barsh, Esq. Greenberg Traurig Revise the Open Land Subarea 1 (Snake-Biscayne Canal Basin) text on Page I-63 of the CDMP on Page I-63 to include nurseries and tree farms in the list of allowable uses	Countywide	Adopt and Transmit			

Application Number/ Type	Location/Acreage/ Requested Amendment	BCC District/ Commissioner	DP&Z Initial Recommendation February 25, 2010	Community Council Recommendation, Resolution # and Date	Local Planning Agency Recommendation April 5, 2010	BCC Recommendation May 5, 2010
10	Florida Power & Light Company/Jeffrey Bercow, Esq. and Michael A. Gil, Esq., Bercow, Radell & Fernandez P.A. Revise the text of the Agriculture land use category text on Pages I-58 & I-59 to add new text allowing for a private water management project in the Agriculture category subject to certain specific criteria to ensure consistency with the goals, objectives and policies of the CDMP	Countywide	WITHDRAWN by letter dated March 5, 2010			
11	Department of Planning and Zoning/ Marc LaFerrier, AICP, Director A. Revise Land Use Element Policy LU-2A to refer to provisions in the "Concurrency Management Program" in the Capital Improvements Element (CIE); and B. Revise the text in Concurrency Management Program of the CIE on page IX-15 to reflect the level of public school facilities concurrency review for zoning actions consistent with the Interlocal Agreement for Public School Facility Planning between Miami-Dade County and Miami-Dade County Public Schools	Countywide	Adopt and Transmit			
12	Department of Planning and Zoning/ Marc LaFerrier, AICP, Director Revise Policies LU-3G and LU-3H in the Land Use Element to clarify that the super majority vote applies to text changes in the CDMP as well as the Land Use Plan map amendments	Countywide	Adopt and Transmit			

Source: Miami-Dade County Department of Planning and Zoning

Notes: NA - Not Applicable
DP&Z - Department of Planning and Zoning
BCC - Board of County Commissioners